

**MEMO ENDORSED**

**GEORGIA PESTANA**  
*Corporation Counsel*

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

**MARTHA NIMMER**  
*Special Assistant Corporation Counsel*  
Cell: (917) 499-8632

June 18, 2021

**VIA ECF**

Hon. Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

Re: *K.E. obo M.L. v. New York City Dep't of Educ.*, 21-cv-02815 (KPF)(RWL)

Dear Judge Failla:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Georgia Pestana, attorney for Defendant in the above-referenced action wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, as well as for this action.

I write to respectfully request a 6-week extension of Defendant's time to respond to the complaint, from June 21, 2021 to August 2, 2021. I also write to request that the June 29, 2021 conference be rescheduled to one of the following dates: August 18, 20 or 31, 2021.

I have asked Plaintiff's counsel for his consent, but have not heard back from him. This is the second request for an extension. The first request for an extension was made on April 9, 2021 and granted by Your Honor that same day. The requested 6-week extension would provide the parties will sufficient time to continue negotiating a settlement. We are hopeful that the parties will settle this matter without the need for further burden on the Court's time.

Accordingly, Defendant respectfully requests that its time to respond to the complaint be extended to August 2, 2021, and that the initial conference be adjourned to August 18, 20 or 21, 2021.

Thank you for considering this request.

Respectfully submitted,

/s/

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Martha Nimmer

Special Assistant Corporation Counsel

cc: Kevin Mendillo, Esq (via ECF)

Application GRANTED. Defendants' response to the Complaint shall be due on or by August 2, 2021. The initial pretrial conference scheduled for June 29, 2021, is hereby ADJOURNED to August 20, 2021, at 10:00 a.m. The conference shall take place by telephone. At the scheduled date and time, the parties shall (888) 363-4749 and enter access code 5123533. The parties' pre-conference submissions (see Dkt. #8), shall be due on or by August 12, 2021.

Dated: June 18, 2021  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE